

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877

**MINUTES OF A MEETING OF THE BOARD OF APPEALS
THURSDAY, NOVEMBER 9, 2006**

Vice Chairperson Richard Knoebel called the meeting to order at 7:30 p.m. Board Members present: Gary Trojak, Victor Macdonald, and Carol Rieg. Staff present: Caroline Seiden, Planner.

I. APPROVAL OF MINUTES

Motion was made by Board Member Rieg, seconded by Board Member Macdonald, that the minutes of the August 10, 2006, Board of Appeals meeting be approved.

VOTE: 3-0-1 (Trojak abstained)

II. VARIANCE

A-525 Jean and John Ervin

The petition requests a six (6) foot variance of the thirty (30) foot front yard and a six (6) foot variance of the ten (10) foot side yard required for structures by Section 24-32(c) of the Zoning Ordinance. The variances are being requested for a garage addition in the R-90 (Low Density Residential) Zone at 789 Kimberly Court West, Lot 48, Block A, Diamond Courts, Gaithersburg, Maryland.

Planner Caroline Seiden stated that the public hearing was advertised in the Gaithersburg Gazette on October 25, 2006, and 21 exhibits were in the record file.

Vice Chairperson Richard Knoebel explained that variances are handled as a two-step process with the first step dealing with the uniqueness of the property. If the Board finds that the property is unique, then the second step would be for the applicant to show an unreasonable hardship due to the uniqueness of the property. Mr. Knoebel then swore in the applicants and their neighbor, Mr. Alan Fraser.

Mr. John Ervin, the applicant, testified that the property is unique because of its' pie-shaped lot in a subdivision of rectangular shaped lots. There are 225 homes in the neighborhood, only two of which have no parking available in the front of the home. Mr. Ervin referenced Exhibits #7 and #19 as evidence of the unusual shape of the lot. In response to a question by Board member Macdonald, Mr. Ervin confirmed that the house is situated on the narrowest part of the lot with very little street frontage and that there is no room to build without a variance.

Motion was made by Board Member Macdonald, seconded by Board Member Trojak, that the property is unique.

VOTE: 4-0

Mr. Ervin further testified that the existing carport would be removed and rebuilt as a two-car garage. The driveway is proposed to be widened as well. In response to a question by Board Member Trojak, Mr. Ervin noted that the house of the adjoining property is more than ten feet from the property line.

Mr. Alan Fraser testified in favor of the variance request. There was no other testimony presented in favor of or in opposition to the application.

Motion was made by Board Member Macdonald, seconded by Board Member Rieg, to close the record on A-525.

VOTE: 4-0

Motion was made by Board Member Rieg, seconded by Board Member Macdonald, to approve A-525, the petition requesting a six (6) foot variance of the thirty (30) foot front yard and a six (6) foot variance of the ten (10) foot side yard required for structures by Section 24-32(c) of the Zoning Ordinance. The variances are being requested for a garage addition in the R-90 (Low Density Residential) Zone at 789 Kimberly Court West, Lot 48, Block A, Diamond Courts, Gaithersburg, Maryland.

VOTE: 5-0

III. ADJOURNMENT

There being no more business to come before this meeting of the Board of Appeals, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Caroline Seiden
Staff Liaison to Board of Appeals